

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE K		PAGE OF PAGES 1 14		
2. AMENDMENT/MODIFICATION NO. 0003		3. EFFECTIVE DATE See Block 16C		4. REQUISITION/PURCHASE REQ. NO. SC0600-01-0325, Amd. 001, 0002 SC0600-01-0326, Amd 001 SC0600-01-0327, Amd 002		5. PROJECT NO. (If applicable)	
6. ISSUED BY DEFENSE ENERGY SUPPORT CENTER 8725 JOHN J. KINGMAN RD SUITE 4950 FT BELVOIR VA 22060-6222 BUYER/SYMBOL - Roger Wilson / DESC-BZD PHONE - (703) 767-9310			CODE SCO600 FAX 703-767-9044 P.P. 1.1b, 1.1d, 1.1i		7. ADMINISTERED BY (If other than Item 6) CODE SCO600		
8. NAME AND ADDRESS OF CONTRACTOR (NO., street, city, county, State, and ZIP Code)					X	9a. AMENDMENT OF SOLICITATION NO. SP0600-01-R-0033	
						9b. DATED (SEE ITEM 11) 19 January 2001	
						10a. MODIFICATION OF CONTRACT/ORDER NO.	
						10b. DATED (SEE ITEM 13)	
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<p>[x] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers [] is extended, [X] is not extended</p> <p>Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers.</p> <p>FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.</p>							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor [] is not, [] is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)							
SEE NEXT PAGE							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remain unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME OF CONTRACTING OFFICER JOY E. MULLORI			
15B. NAME OF CONTRACTOR/OFFEROR BY _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED	

1. The following corrections are made to the Amendment 0002:

- a. Paragraph 10 amending the Addendum Package, Section M, page A-64 is corrected to read as follows:

Clause M24.03 EVALUATION OF OFFERS INVOLVING F.O.B. TANKER LOADING (DESC DEC 1997) is hereby deleted and replaced by M24.03 EVALUATION OF OFFERS INVOLVING F.O.B. TANKER LOADING (DESC **MAR 2001**) which appears on **page 19** of this amendment [Amendment 0002].

- b. Paragraph 12 is corrected to refer to Clause M24.03.
- c. Paragraph 13 c is altered to indicate (JAN 2001/OCT 2000) as the date of the new version of Clause K1.01-9.
- d. Table of JP8 Line Items which appeared on Page 6 is revised to show Lajes Field, Azores as Item 0212 and Yumurtalik, Turkey / Incirlik AB as Item 0211. Also, Line Item 0213 DFSP Keflavik, Iceland is added. Revised table appears on page 6 of this amendment.

2. The following change is made to the Addendum Package, Section B, for Turbine Fuel, Aviation (JP8), Line Item 0201, DFSP GPSS, UK.

- a. Sub-notes 1., 2., and 3. under Note D are relabeled to Notes E., F., and G.
- b. Line Item 0201 now appears as is shown on page 5 of this amendment.

3. The following change is made to the Addendum Package, Section B, for Turbine Fuel, Aviation (JP8), Line Item 0209, MORON AB.

- a. Product to be supplied to Moron AB *through terminal DFSP Rota* must be fully additized (I.E.: TK or BG offers).
- b. Product to be supplied FOB ex the Spanish Pipeline must be non-additized product. Cost of Government acquired additives will be added to offer for evaluation purposes only.
- c. Line Item 0209 now appears as is shown on page 5 of this amendment.

4. The following change is made to the Addendum Package, Section B, Clause B19.34:

- a. The following escalator for JP8 is **ADDED** to the Table at paragraph (f):

PRODUCT	REFERENCE PRODUCT (LOCATION)	REFERENCE PRICE/USG EFFECTIVE DECEMBER 12, 2000
JP8	Jet Kerosene (100% FOB Med Basis Italy)	\$0.880732

- b. The complete Table for this section now appears on page 4 of this amendment.

- c. Any offer for JP8 product must now specify on which escalator it is based. Offers may be made for JP8 using either escalator or both escalators.
 - d. Offered prices which are submitted based on the newly added escalator, Jet Kerosene, FOB Med Basis Italy, will be subject to a positive adjustment factor of \$0.030508 USD/USG for evaluation purposes only. This factor represents the spread between the differences of the two reference prices and the twelve-month averages of both escalators.
5. The following update is made to certification Clause K1.01-9 which originally appeared in the Offeror Submission Package, page 16 and was replaced by a later version in Amendment 0002:

Clause K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (ALT I) (JAN 2001/OCT 2000) is deleted from the solicitation and replaced by Clause K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (ALT I) (APR 2001/OCT 2000) which appears on page 7 of this amendment.

Please note: if you have already completed and submitted an earlier version of Clause K1.01-9, you need not re-submit the new Clause.

(f) **TABLE.**

REFERENCE PRICE TABULATION				
ITEM NO. (LISTED ITEMS)	NAME OF PUBLICATION	HEADING UNDER WHICH REFERENCE PRICE IS PUBLISHED AND NAME OF PRODUCT	LOCATION WHERE REFERENCE PRICE IS APPLICABLE	REFERENCE PRICE AS OF DECEMBER 12, 2000 (EXCLUDES ALL TAXES)
See Below	Platt's Oilgram Price Report (U.S. Edition)	Product Price Assessments (European Bulk)	See Below	Compute the average low/high prices from Platt's, using the ten effective days' prices preceding the date of lift.

PRODUCT	REFERENCE PRODUCT (LOCATION)	REFERENCE PRICE/USG EFFECTIVE DECEMBER 12, 2000
JP5	Jet Kerosene (100% Cargoes CIF NWE Basis ARA)	\$1.007512
JP8	Jet Kerosene (100% Cargoes CIF NWE Basis ARA)	\$0.990272
JP8	Jet Kerosene* (100% FOB Med Basis Italy)	\$0.880732
F76	Gasoil 0.2 (100% Barges FOB Rotterdam)	\$0.909733
MUI	Regular Unleaded (100% Cargoes FOB NWE.)	\$0.686371

* Offered prices which are submitted based on the newly added escalator, Jet Kerosene, FOB Med Basis Italy, will be subject to a positive adjustment factor of \$0.030508 USD/USG for evaluation purposes only.

<u>LINE ITEM</u>	<u>DODAAC</u>	<u>SPLC</u>	<u>LOCATION</u>
0201	EP4000	941001270	DFSP GPSS, UK

QUANTITY 94,000,000

NOTES FOR DFSP GPSS, UK:

- A. Acceptable location for Tanker entry into the DFSP GPSS is Killingholme.
- B. Acceptable locations for Pipeline entry into the DFSP GPSS are:
 - 1. Thames River Area (e.g. Coryton; Thameshaven)
 - 2. Aldermaston
 - 3. Killingholme
 - 4. Mersey River Area
 - 5. Hallen
- C. Suppliers offering at Thames River Area must be connected to the GPSS and make arrangements with GPSS Managing Agent to move product to Thetford or Claydon.
- D. Suppliers offering at Mersey River Area must be connected to the GPSS and make arrangements with GPSS Managing Agent to move product to the GPSS connection.
- E. Product required w/o additives. SDA is acceptable in accordance with Defense Standard 91-91/Issue 1 (Derd 2494) latest revision.
- F. FOB Origin TK offers evaluated to support UK locations will be through the Killingholme terminal only.
- G. Any quantity offered into the UK PL System specifying an entry point other than Killingholme is subject to prior approval of GPSS's Managing Agent.

<u>MODE</u>	<u>FSII</u>	<u>SDA</u>	<u>CI</u>
TANKER	NONE	NONE	NONE

<u>LINE ITEM</u>	<u>DODAAC</u>	<u>SPLC</u>	<u>LOCATION</u>
0209	FP5575	901001240	MORON AB

QUANTITY <11,000,000>

NOTES FOR MORON AB:

- A. End user can be supplied through terminal DFSP Rota, however, product must be fully additized with FSII, SDA, and CI as per Line Item 0208.
- B. Product to be supplied ex the Spanish Pipeline must be non-additized product. Cost of Government acquired additives will be added to offer for evaluation purposes only.

<u>MODE</u>	<u>FSII</u>	<u>SDA</u>	<u>CI</u>
PIPE	NONE	NONE	NONE
TANKER	REQUIRED	REQUIRED	REQUIRED
BARGE	REQUIRED	REQUIRED	REQUIRED

B1 cont'd

RFP LINE ITEM NO.	LOCATION	PARTICULATE CONTAMINATION (PC) MG/L, MAX	FILTRATION TIME (FT) MINUTES, MAX	FSII	CORROSION INHIBITOR (CI)	SDA
0201	UNITED KINGDOM PL SYSTEM					
	ALL ENTRY POINTS	REPORT ONLY	REPORT ONLY	NO	NO	NO(1,3)
0205	NORTHERN ITALIAN PL SYSTEM	1	15	NO	YES	YES
0206	AVIANO AB ITALY	1	15	NO	YES	YES
0207	SPANISH PL SYSTEM	1	15	NO	NO	NO
0208	ROTA, SPAIN	1	15	YES	YES	YES
0209	MORON, SPAIN	1	15	NO	NO	NO
0210	CENTRAL EUROPEAN PL SYSTEM	1	15	NO	NO	Yes (2)
	FREYZIN, FRANCE	1	15	NO	NO	No (2)
	LE HAVRE, FRANCE	1	15	No	No	Yes (2)
	MARSEILLES, FRANCE	1	15	NO	NO	No (2)
	REICHSTETT, FRANCE	1	15	NO	NO	Yes (2)
	ST. BAUSSANT, FRANCE	1	15	NO	NO	No (2)
	ANTWERP, BELGIUM	1	15	NO	NO	YES(2)
	GHENT, BELGIUM	1	15	No	No	YES(2)
	ROTTERDAM, NETHERLANDS	1	15	NO	NO	YES(2)
	LINGEN, GERMANY	1	15	NO	NO	YES(2)
0211	YUMURTALIK TURKEY	1	15	YES	YES	YES
	TURKISH NATO PL TO INCIRLIK AB	1	15	YES	YES	YES
0212	LAJES FIELD, AZORES	1	15	YES	YES	YES
0213	KEFLAVIK, ICELAND	1	15	YES	YES	YES

(1) Product with SDA is acceptable.

(2) The minimum conductivity of JP8 entered into these CEPS locations will be 150 pS/m

(3) SDA can be added up to 3.0 mg/l max per DERD 2494.

NOTES:

(A) All JP8 offerors must complete the additive information required in the ADDITIVES chart on Page OSP-4.

(B) No Government additive cost will be added for evaluation unless otherwise specified in the schedule.

K1.01-9 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS (ALT I)
(APR 2001/OCT 2000)**(a) DEFINITIONS.** As used in this provision--

(1) **Emerging small business** means a small business concern whose size is no greater than 50 percent of the numerical size standard for the standard industrial classification code designated.

(2) **Forced or indentured child labor means** all work or service—

(i) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(ii) *Performed by any person under the age of 18 pursuant to a contract, the enforcement of which can be accomplished by process of penalties.*

(3) **Service-disabled veteran-owned small business concern—**

(i) Means a small business concern—

(A) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(B) *The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.*

(ii) Service disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

(4) **Small business concern** means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

(5) **Veteran-owned small business concern means a small business concern—**

(i) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(ii) The management and daily business operations of which are controlled by one or more veterans.

(6) **Women-owned business concern** means a concern that is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(7) **Women-owned small business concern** means a small business concern--

(i) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(ii) Whose management and daily business operations are controlled by one or more women.

(b) TAXPAYER IDENTIFICATION NUMBER (TIN) (26 U.S.C. 6050M). (Not applicable if the offeror is required to provide this information to a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (b)(3) through (b)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(3) TAXPAYER IDENTIFICATION NUMBER (TIN).

☐ TIN: _____

☐ TIN has been applied for.

☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the U.S. and does not have an office or place of business or a fiscal paying agent in the U.S.

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of a Federal, state, or local government;

☐ Other. State basis. _____

K1.01-9 (CONT'D)

(4) **TYPE OF ORGANIZATION.**

- ☐ Sole proprietorship;
☐ Partnership;
☐ Corporate entity (not tax-exempt);
☐ Corporate entity (tax-exempt);
☐ Government entity (Federal, State, or local);
☐ Foreign government;
☐ International organization per 26 CFR 1.6049-4;
☐ Other: _____.

(5) **COMMON PARENT.**

- ☐ Offeror is not owned or controlled by a common parent.
☐ Name and TIN of common parent:
Name _____
TIN _____

(c) Offerors must complete the following representations when the resulting contract is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia. Check all that apply.

(1) **SMALL BUSINESS CONCERN.** The offeror represents as part of its offer that it--

- ☐ is
☐ is not

a small business concern.

(2) **VETERAN-OWNED SMALL BUSINESS CONCERN.** (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents as part of its offer that it—

- ☐ is
☐ is not

a veteran-owned small business concern.

(3) **SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERN.** (Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.) The offeror represents as part of its offer that it—

- ☐ is
☐ is not

a service-disabled veteran-owned small business concern.

(4) **SMALL DISADVANTAGED BUSINESS CONCERN.** (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents, for general statistical purposes, that it—

- ☐ is
☐ is not

a small disadvantaged business concern as defined in 13 CFR 124.1002.

K1.01-9 (CONT'D)

(5) WOMEN-OWNED SMALL BUSINESS CONCERN. (Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents that it--

☐ is
☐ is not

a women-owned small business concern.

NOTE: Complete paragraphs (c)(6) and (c)(7) only if this solicitation is expected to exceed the simplified acquisition threshold.

(6) WOMEN-OWNED BUSINESS CONCERN (OTHER THAN SMALL BUSINESS CONCERN). (Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.) The offeror represents that it -

☐ is

a women-owned business concern.

(7) TIE BID PRIORITY FOR LABOR SURPLUS AREA CONCERNS. If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price.

(8) SMALL BUSINESS SIZE FOR THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM AND FOR THE TARGETED INDUSTRY CATEGORIES UNDER THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM. (Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.)

(i) (Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs)). The offeror represents as part of its offer that it--

☐ is
☐ is not

an emerging small business.

(ii) (Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs)). The offeror represents as follows:

(A) The offeror's number of employees for the past 12 months (check the Employees column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) The offeror's average annual gross revenue for the last 3 fiscal years (check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

(Check one of the following:)

K1.01-9 (CONT'D)

<u>NUMBER of EMPLOYEES</u>	<u>AVERAGE ANNUAL GROSS REVENUES</u>
<input type="checkbox"/> 50 or fewer	<input type="checkbox"/> \$1 million or less
<input type="checkbox"/> 51 - 100	<input type="checkbox"/> \$1,000,001 - \$2 million
<input type="checkbox"/> 101 - 250	<input type="checkbox"/> \$2,000,001 - \$3.5 million
<input type="checkbox"/> 251 - 500	<input type="checkbox"/> \$3,500,001 - \$5 million
<input type="checkbox"/> 501 - 750	<input type="checkbox"/> \$5,000,001 - \$10 million
<input type="checkbox"/> 751 - 1,000	<input type="checkbox"/> \$10,000,001 - \$17 million
<input type="checkbox"/> Over 1,000	<input type="checkbox"/> Over \$17 million

(9) **(Complete only if the solicitation contains the clause at FAR 52.219-23, NOTICE OF PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS, or FAR 52.219-25, SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM - DISADVANTAGED STATUS AND REPORTING, and the offeror desires a benefit based on its disadvantaged status.)**

(i) **GENERAL.** The offeror represents that either--

(A) It--

- ☐ is
☐ is not

certified by the Small Business Administration as a small disadvantaged business concern and is listed, on the date of this representation, on the register of small disadvantaged business concerns maintained by the Small Business Administration, and that no material change in disadvantaged ownership and control has occurred since its certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); or

(B) It--

- ☐ has
☐ has not

submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(ii) **JOINT VENTURE UNDER THE PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS.** The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f) and that the representation in paragraph (c)(7)(i) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture:

K1.01-9 (CONT'D)

(10) **(Complete if the offeror represented itself as disadvantaged in paragraph (c)(2) or (c)(9) of this provision.)** The offeror shall check the category in which its ownership falls:

- ☐ Black American
- ☐ Hispanic American
- ☐ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).
- ☐ Asian-Pacific American (persons with origin from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).
- ☐ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).
- ☐ Individual/concern, other than one of the preceding.

(d) **CERTIFICATIONS AND REPRESENTATIONS REQUIRED TO IMPLEMENT PROVISIONS OF EXECUTIVE ORDER 11246.**

(1) **PREVIOUS CONTRACTS AND COMPLIANCE.** The offeror represents that--

(i) It--

- ☐ has
- ☐ has not

participated in a previous contract or subcontract subject to the EQUAL OPPORTUNITY clause of this solicitation; and

(ii) It--

- ☐ has
- ☐ has not

filed all required compliance reports.

(2) **AFFIRMATIVE ACTION COMPLIANCE.** The offeror represents that--

(i) It--

- ☐ has developed and has on file
- ☐ has not developed and does not have on file

at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR Subparts 60-1 and 60-2), or

(ii) It--

☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

K1.01-9 (CONT'D)

(e) **CERTIFICATION REGARDING PAYMENTS TO INFLUENCE FEDERAL TRANSACTIONS (31 U.S.C. 1352).**

(Applies only if the contract is expected to exceed \$100,000). By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract.

(f) BUY AMERICAN ACT - TRADE AGREEMENTS - BALANCE OF PAYMENTS PROGRAM CERTIFICATE. (Applies only if DFARS clause 252.225-7007, TRADE AGREEMENTS ACT, is incorporated by reference in this solicitation.)

(1) The offeror certifies that--

(i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product (as defined in the BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM clause of this solicitation); and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The offeror must identify and certify all end products that are not domestic end products.

(i) The offeror certifies that the following supplies qualify as "U.S.-made end products" but do not meet the definition of "domestic end product":

(Insert line item no.)

(ii) The offeror certifies that the following supplies are qualifying country end products:

(Insert line item no.)

(Insert country of origin)

(iii) The offeror certifies that the following supplies are qualify as designated country end products:

(Insert line item no.)

(Insert country of origin)

(iv) The offeror certifies that the following supplies qualify as Caribbean Basin country end products:

(Insert line item no.)

(Insert country of origin)

(v) The offeror certifies that the following supplies qualify as NAFTA country end products:

(Insert line item no.)

(Insert country of origin)

(vi) The offeror certifies that the following supplies are other nondesignated country end products:

(Insert line item no.)

(Insert country of origin)

(LIST AS NECESSARY)

(3) Offers will be evaluated by giving preference to U.S.-made end products, qualifying country end products, designated country end products, NAFTA country end products, and Caribbean Basin country end products over other end products.

K1.01-9 (CONT'D)

(g) **BUY AMERICAN ACT - NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) IMPLEMENTATION ACT - BALANCE OF PAYMENTS PROGRAM CERTIFICATE.** (Applies only if DFARS clause 252.225-7036, NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA) IMPLEMENTATION ACT, clause is incorporated by reference in this solicitation.)

(1) The offeror certifies that--

(i) Each end product, except the end products listed in subparagraph (2) below, is a domestic end product (as defined in the BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM clause of this solicitation); and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The offeror must identify and certify all end products that are not domestic end products.

(i) The offeror certifies that the following supplies qualify as "U.S.-made end products," but do not meet the definition of "domestic end products":

(Insert line item number)

(ii) The offeror certifies that the following supplies are qualifying country (except Canada) end products:

(Insert line item number)

(Insert country of origin)

(iii) The offeror certifies that the following supplies qualify as NAFTA country end products:

(Insert line item number)

(Insert country of origin)

(iv) The offeror certifies that the following supplies are other non-NAFTA country end products:

(Insert line item number)

(Insert country of origin)

(LIST AS NECESSARY)

(3) Offers will be evaluated by giving preference to U.S.-made end products, qualifying country end products, or NAFTA country end products over other end products.

(h) **CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY FOR AWARD (EXECUTIVE ORDER 12549).** (Applies only if the contract value is expected to exceed the simplified acquisition threshold.)

The offeror certifies, to the best of its knowledge and belief, that--

(1) The offeror and/or any of its principals

[] are

[] are not

presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency,

and

(2) [] have

[] have not,

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within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local government contract or subcontract ; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

☐ are

☐ are not

presently indicted for, or otherwise criminally or civilly charged by a government entity with, commission of any of these offenses.

(i) **CERTIFICATION REGARDING KNOWLEDGE OF CHILD LABOR FOR LISTED END PRODUCTS (EXECUTIVE ORDER 13126).** [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at 22.1503(b).]

(1) List End Product.

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(Insert end product)

(Insert country of origin)

(2) **CERTIFICATION.** [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

(i) ☐ The offeror will not supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

(ii) ☐ The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it had made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(FAR 52.212-3/Alt I)